

REMARKS

Claims 1-16 are pending in the pending Applications. Of these, claims 9-13 have been withdrawn. No claims have been canceled, and claims 1 and 14 have been amended, leaving claims 1-8 and 14-16 for consideration upon entry of the present Amendment.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

As an initial matter, Applicants note that claims 1-14 are pending. The Examiner has indicated that only claims 1-13 are pending. Applicants believe this is incorrect. Applicants direct the Examiner's attention the Preliminary Amendment filed on May 13, 2005, which included 14 claims. Applicants further note that in the Restriction Requirement dated January 26, 2009, the Examiner acknowledged that claims 1-14 were pending. Further, in Applicants Response to Restriction Requirement filed on February 26, 2009, Applicants elected Group I, claims 1-8 and 14. Further, Applicants added claims 15 and 16 in the Amendment and Response filed September 11, 2009. Applicants respectfully request clarification from the Examiner and acknowledgement that claims 1-16 are pending.

Additionally, Applicants note that the corresponding EP patent granted as EP 1 567 336 B1.

Examiner Interview

Applicant thanks Examiner Kruer for the courtesy of a telephonic interview with Applicant's representative (Ian Lodovice) on February 24, 2010. The outstanding § 112, first and second paragraph, rejections were discussed, as well as possible amendments to overcome the rejections.

Claim Amendments

Claims 1 and 14 have been amended to better define the invention. Support for these amendments can be found at paragraphs [0009], [0020] and [0027]-[0028] of the specification as originally filed, and claim 1 as originally filed.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action dated 1/7/2010, page 2) In particular, the Examiner stated that it is unclear whether the metallocene must be different from the metallocene catalyzed olefinic polymer. (Office Action dated 1/7/2010, page 2)

As amended, claim 1 recites:

1. A multilayer product comprising:
a polymer substrate,
a wear layer made of polymer of an ionomeric type, and,
between the substrate and the wear layer, an intermediate layer of an olefinic polymer containing from 1 to 40 parts by weight of a metallocene per 100 parts by weight of the olefinic polymer.

Applicants believe that the present amendment clarifies that the intermediate layer comprises at least two parts: an olefinic polymer and a metallocene.

Further, Applicants note that the term “metallocene” is defined at paragraph [0025] of the specification as originally filed. For convenience, [0024] of the specification is reproduced below.

[0024] The term “metallocene” means polyolefins or, respectively, polyethylenes, manufactured using metallocene catalysts that are well known in the art.

In summary, Applicants believe that claim 1 (and claim 14) meet the requirements of 35 U.S.C. § 112, second paragraph. Claims 2-8 and 15-16 depend from claim 1 and include all the limitations thereof. Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-8 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. (Office Action dated 1/7/2010, page 3)

As amended, the term “a metallocene catalyzed olefinic polymer” has been amended to recite “an olefinic polymer.” Applicants believe that claim 1 (and claim 14) meet the requirements of 35 U.S.C. § 112, second paragraph. Claims 2-8 and 15-16 depend from claim 1 and include all the limitations thereof. Applicants respectfully request withdrawal of the rejection and allowance of the claims.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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